AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Currently amended) An Isolated polynucleotide comprising SEQ ID NO: 3 or a fragment of SEQ ID NO: 3, wherein said fragment comprises a) nucleotide 594 to nucleotide 2740 (SEQ ID NO: 4), b) nucleotide 691 to nucleotide 2740 (SEQ ID NO: 5), c) nucleotide 1159 to nucleotide 2740 (SEQ ID NO: 6), d) nucleotide 1930 to nucleotide 2740 of SEQ ID NO: 3 (SEQ ID NO: 7) or a sequence that hybridizes ~~under high stringency conditions~~ after three washes at 65 °C in the presence of 0.2 X SSC, and 0.1% SDS with any one of SEQ ID Nos: 3 to 7, wherein said polynucleotide in the absence of inverted terminal repeat sequences from adeno-associated virus specifically induces expression in cardiac cells *in vivo* of a gene which is operably linked to said polynucleotide provided that said polynucleotide does not comprise nucleotides 2053 to 2074 of SEQ ID NO: 2.

2. (Currently amended) The polynucleotide according to claim 1, wherein said polynucleotide is SEQ ID NO: 3, or a sequence that hybridizes ~~under high stringency conditions~~ after three washes at 65 °C in the presence of 0.2 X SSC, and 0.1% SDS with SEQ ID NO: 3.

3. (Currently amended) The polynucleotide according to claim 1, wherein said polynucleotide is SEQ ID NO: 4, or a sequence ~~hybridizing under high stringency conditions~~ that hybridizes after three washes at 65 °C in the presence of 0.2 X SSC, and 0.1% SDS with SEQ ID NO: 4.

4. (Currently amended) The polynucleotide according to claim 1, wherein said polynucleotide is SEQ ID NO: 5, or a sequence ~~hybridizing under high stringency conditions~~ that hybridizes after three washes at 65 °C in the presence of 0.2 X SSC, and 0.1% SDS with SEQ ID NO: 5.

5. (Currently amended) The polynucleotide according to claim 1, wherein said polynucleotide is SEQ ID NO: 6, or a sequence ~~hybridizing under high stringency conditions~~ that hybridizes after three washes at 65 °C in the presence of 0.2 X SSC, and 0.1% SDS with SEQ ID NO: 6.

6. (Currently amended) The polynucleotide according to claim 1, wherein said polynucleotide is SEQ ID NO: 7, or a sequence ~~hybridizing under high stringency conditions~~ that hybridizes after three washes at 65 °C in the presence of 0.2 X SSC, and 0.1% SDS with SEQ ID NO: 7.

7. (Previously presented) An expression cassette comprising a sequence encoding a protein or an RNA of therapeutic interest operably linked to the polynucleotide according to claim 1.

8. (Currently amended) The expression cassette according to claim 7, further comprising a ~~polynucleotde~~ polynucleotide SEQ ID NO: 9 operably linked to the polynucleotide according to claim 1.

9. (Previously presented) The expression cassette according to claim 7, wherein the protein or RNA of therapeutic interest increases a rate of cardiac cell division, reduces or suppresses an immune response, induces angiogenesis, changes muscle contractility, reduces cardiac hypertrophy, reduces cardiac insufficiency, or reduces myocarditis.

10. (Previously presented) The expression cassette according to claim 9, wherein the protein or RNA of therapeutic interest is or encodes a vascular endothelial growth factor, a fibroblast growth factor, an angiopoietin, or a cytokine.

11. (Previously presented) The expression cassette according to claim 9, wherein the protein is an immunosuppressive protein.

12. (Previously presented) The expression cassette according to claim 11, wherein the immunosuppressive protein is interleukin-10, interleukin-2, or interleukin-8.

13. (Previously presented) The expression cassette according to claim 9, wherein the protein reduces hypoxia.

14. (Previously presented) The expression cassette according to claim 13, wherein the protein that reduces hypoxia is nitric oxide synthetase, superoxide dismutase, or catalase.

15. (Previously presented) A vector comprising the polynucleotide according to claim 1.

16. (Previously presented) The vector according to claim 15, further comprising an origin of replication which is active in cardiac cells.

17. (Previously presented) The vector according to claim 15, which is a plasmid, a cosmid, or any DNA not encapsidated by viral proteins

18. (Previously presented) The vector according to claim 15, which is or is derived from an adenovirus, a retrovirus, a herpesvirus, or an adeno-associated virus.

19. (Previously presented) A composition comprising a therapeutically-effective amount of the vector according to claim 15 and a pharmaceutically-acceptable carrier.

20. (Withdrawn) A method for expressing a protein or an RNA of therapeutic interest in cardiac cells *in vivo*, comprising

- preparing a vector according to claim 15, and

- introducing said vector into cardiac cells *in vivo* so that said protein or RNA of therapeutic interest is expressed.

21. (Withdrawn) A polynucleotide comprising a fragment of SEQ ID NO: 2 or a fragment having at least 80% sequence identity to a fragment of SEQ ID NO: 2,

wherein said fragment is at least 772 nucleotides, and

wherein said polynucleotide in the absence of inverted terminal repeat sequences from human adeno-associated virus specifically induces expression in cardiac cells *in vivo* of a gene which is operably linked to said polynucleotide.